

S/N 10/697,788

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Michael J. BULLINGER	Examiner:	Phi Dieu Tran A
Serial No.:	10/697,788	Group Art Unit:	3637
Filed:	October 30, 2003	Docket No.:	10226.0010USI1
Customer No.	23552	Confirmation No.	1146
Title:	GUTTER AND COVER SYSTEM		

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Examiner's Answer mailed October 28, 2011, Applicant submits the following:

Remarks begin on page 2 of this paper.

Remarks:

Applicant has read and considered the Examiner's Answer dated October 28, 2011.
Applicant reaffirms its position with regard to the continued rejections.

Applicant notes that the Examiner continues to state that the Knutson reference shows a lip portion and the top segment of the gutter that are pressed and fixed together along their length to form an integral gutter and cover system. The Examiner states at page 5 of the Answer that the part (99a) appears to press fit over part (98a) and together forming an integral part. As previously discussed, Applicant asserts that this position cannot be maintained. As previously asserted, Applicant asserts that the Examiner has no support for this position. The Examiner fails to address Applicant's repeated assertions and the text of the Knutson application that describes the structure in question. Specifically at column 4, lines 57-59, Knutson states:

"A removable top shield 99 extends downwardly and forwardly from the upper end or top of the back wall 98."

Moreover, with regard to Figure 11, Knutson states that the "the device 131 and mounting for the shield would be the same as shown in FIGS. 9 and 10." Therefore, the embodiment of Figures 9 and 10 and the embodiment of Figure 11 are all described as removable and there is no teaching anywhere in Knutson stating that the lip portion of the top segment of the gutter are continuously pressed and fixed together along the entire length to form an inerrable gutter and cover assembly as recited in claim 8. Gutters with removable covers are known and Knutson is just another example of a conventional system when carefully read and fully considered. Moreover, there is no teaching or suggestion or support for the Examiner's position that the top segment of the gutter and the flange portion of the gutter are continuously crimped together along their entire length to interlock the top section of the gutter

with the flange portion of the cupboard. Forming a separate cover that extends over a top edge of a gutter as in Knutson is a relatively simple process. However, continuously crimping the cover to the gutter to achieve an integral assembly provides manufacturing challenges. Such a joined is a difficult structure to manufacture, but has been accomplished in the present invention. Applicant further asserts that with regard to claim 22, there is no support for the proposition that Knutson teaches that the lip portion and the top segment of the gutter are "continuously pressed together along their entire length to join the cover and the gutter and form an integral gutter and cover assembly." Moreover, even if the Knutson device were to be considered as being fixed, there is no teaching or suggestion that the structure is continuously pressed along its length rather than just in a singular position along the gutter or cover. A non-obvious inventive difference of the present invention is to have a fixed cover and cover to the gutter to form an integral gutter and cover assembly. The present invention provides for a continuous joined assembly that is cut to length at the job site. This is neither shown nor suggested by Knutson or any other prior art or combination thereof.

Applicant continues to assert that the claims patentably distinguish over Knutson and any of the prior art or combination thereof. Applicant requests that the appeal be granted and that the rejection be withdrawn.

A speedy and favorable action in the form of a Notice of Allowance is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725.

23552

PATENT TRADEMARK

Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: _____

12/28/11

By: _____

Gregory A. Sebald
Reg. No. 33,280
GAS/km